

Notice of Allowability

Application No.

10/783,294

Examiner

Lori L. Lyjak

Applicant(s)

HEBRON, KEITH H.

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on May 7, 2007.
2. ☒ The allowed claim(s) is/are 26-29.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Keith Hebron on July 6, 2007.

The application has been amended as follows:

ABSTRACT:

A mechanical lift system for a truck topper comprising a power lift arm and securing one side of the truck topper to the upper side of the truck bed by a continuous hinge or a series of two or more hinges allowing the truck topper to open 90 degrees and close the truck topper.

26. A mechanical lift system ~~that is designed to open and close a truck topper from its side position by means of hinges and~~ comprising:

a power lift arm;

and ~~is comprised of securing one side of a~~ the truck topper to the upper side of the truck bed by hinge means ~~of a continuous hinge or a series of two or more hinges allowing to~~ allow the truck topper to open 90 degrees and close the truck topper to its original position.

27. The ~~invention is a~~ mechanical lift system as claimed in claim 26 comprising:

a base plate which is secured to the inside bed of a the vehicle;

an upright arm connected to the base plate and secured to the inside portion of the upper rim of the truck bed;

and a lift arm which is pivotally connected to the upright arm, and follows with other pivotal connections ~~the~~ inside contour of the truck topper to ~~the toppers~~ opposite inside base of the truck topper.

28. The mechanism lift system as claimed in claim 27 ~~the invention has~~ wherein an enclosed heavy duty actuator power unit comprised of:

a ball screw actuator piston which connects to the lift arm via an in line-clevis with a its base housing connected to the base plate with an in-line base clevis;

a 12 volt direct current motor, driving a gear reduction system attached to the encased screw jack piston which lifts and lowers the topper on demand via a reverse polarity toggle switch.

29. The mechanism lift system ~~invention can alternately have~~ as claimed in claim 27 wherein a hydraulic lift arm comprised of:

a hydraulic cylinder piston that connects to the lift arm via an in-line clevis with a the cylinders base housing connected to the base plate with an in-line base clevis;

a hydraulic or electric hydraulic pump, powered by the truck with control valves and lines connected to the hydraulic cylinder.

2. The following is an examiner's statement of reasons for allowance:

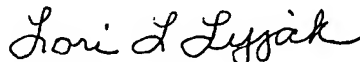
The recitations of the specific features of the mechanical lift system in claim 26 including especially the construction of the securing one side of a truck topper to the upper side of the truck by hinge means allowing the truck topper to open 90 degrees and close to an original position is not taught nor is fairly suggested by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Lyjak whose telephone number is 571-272-6658. The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Lori L. Lyjak
Primary Examiner
Art Unit 3612